

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

JAMES E. DAVIS, INDIVIDUALLY AND
FRANCOIS KOHLMAN, INDIVIDUALLY AND
ON BEHALF OF ALL OTHERS SIMILARLY
SITUATED

PLAINTIFFS

VS.

CAUSE NO. 3:11-CV-093-MPM-SAA

ACA FINANCIAL GUARANTY
CORPORATION, and
JOHN DOES One through Ten

DEFENDANTS

**MOTION FOR EXTENSION OF TIME
TO COMPLETE BRIEFING ON THE PENDING MOTION TO CERTIFY CLASS**

Pursuant to the Federal Rules of Civil Procedure, Plaintiffs move this Court for an extension of time to complete the briefing on Plaintiffs' Motion to Certify Class. In support, Plaintiffs show as follows:

1. On April 25, 2012, Plaintiffs filed a Motion to Certify Class and Memorandum of Law In Support Thereof (the "Motion to Certify Class").
2. Defendant ACA was granted an eleven (11) day extension to respond to Plaintiffs' Motion to Certify Class. During discussions regarding the requested extension, Plaintiffs counsel informed ACA's counsel that the requested extension may cause issues with Plaintiffs deadline to reply and that Plaintiffs may need to seek additional time to reply. Such was duly noted.
3. ACA filed its twenty-five page response on May 25, 2012, which included several robust exhibits. Plaintiffs reply is not yet due.
4. However, in order to adequately reply, Plaintiffs seek a seven (7) day extension of time until and through June 21, 2012. Plaintiffs have not been able to confirm an agreement to the

requested extension from ACA. Thus, out of an abundance of caution Plaintiffs file this motion several days in advance of the expiration of their reply deadline.

5. Plaintiffs respectfully request that the Court enter an Order granting an extension of time until and through June 21, 2012, for Plaintiffs to file their reply in support of their Motion to Certify Class.

6. This Motion is sought in the interest of justice, not for purposes of delay, and the granting of the same will not prejudice ACA in any way.

WHEREFORE, Plaintiffs request that the Court extend the briefing schedule through and until June 21, 2012, for Plaintiffs' reply in support of their Motion to Certify Class.

RESPECTFULLY SUBMITTED, this 13th day of June, 2012.

/s/ Jesse Mitchell, III

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ATTORNEYS FOR Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on June 13, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

Respectfully submitted,

/s/ Jesse Mitchell, III

Jesse Mitchell, III